

Rule 1, Ariz. R. Crim. P.

STATUTORY CONSTRUCTION: Headings are not part of the law, but courts may look at statutory headings to resolve ambiguities.....Revised 11/2009

When construing a statute, the court's goal is to fulfill the intent of the legislature that wrote it. *State v. Peek*, 219 Ariz. 182, 184, 195 P.3d 641, 643 (2008); *State v. Jernigan*, 221 Ariz. 17, ¶ 9, 209 P.3d 153, 155 (App. 2009). The best and most reliable index of the legislature's intent is the statute's language and, when the language is clear and unequivocal, that language determines the statute's construction. *Deer Valley Unified Sch. Dist. No. 97 v. Houser*, 214 Ariz. 293, 296, ¶ 8, 152 P.3d 490, 493 (2007); *City of Phoenix v. Johnson*, 220 Ariz. 189, 191, ¶ 9, 204 P.3d 447, 449 (App. 2009). Therefore, if a court finds no ambiguity in the statute's language, the court must give effect to that language and may not employ other rules of construction to interpret the provision. *North Valley Emergency Specialists, L.L.C. v. Santana*, 208 Ariz. 301, 303, 93 P.3d 501, 503 (2004); *State v. Nelson*, 208 Ariz. 5, 7, ¶ 7, 90 P.3d 206, 208 (App. 2004), *citing Janson v. Christensen*, 167 Ariz. 470, 471, 808 P.2d 1222, 1223 (1991). Only if the legislative intent is not clear from the plain language of the statute do courts consider other factors such as the statute's context, subject matter, historical context, effects and consequences, and spirit and purpose. *Watson v. Apache County*, 218 Ariz. 512, 516, ¶ 17, 189 P.3d 1085, 1089 (App. 2008); *Sanderson Lincoln Mercury, Inc. v. Ford Motor Co.*, 205 Ariz. 202, 205, ¶ 11, 68 P.3d 428, 431 (App. 2003) *citing Wyatt v. Wehmueeller*, 167 Ariz. 281, 284, 806 P.2d 870, 873 (1991).

A.R.S. § 1-212 generally indicates that statute headings are not part of the law itself. That statute states:

§ 1-212. Section headings; source notes; reviser's notes; cross references; exception

Except as provided in § 47-1107, headings to sections, source notes, reviser's notes and cross references are supplied for the purpose of convenient reference and do not constitute part of the law.

However, when an ambiguity exists, the statutory title may be used to aid in the interpretation of the statute. *State ex rel. Romley v. Hauser*, 209 Ariz. 539, 542, ¶ 16, 105 P.3d 1158, 1161 (2005); *State v. Romero*, 216 Ariz. 52, 53, ¶ 5, 162 P.3d 1272, 1273 (App. 2007).